

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Jul 21, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

ADRIAN LEE WAHSISE,

Defendant.

No. 1:23-CR-02041-MKD-1

ORDER FOLLOWING INITIAL  
APPEARANCE AND  
ARRAIGNMENT

On Friday, July 21, 2023, Defendant made an initial appearance and was arraigned based on the Indictment (ECF No. 1). Defendant was represented by Assistant Federal Defender Paul Shelton.<sup>1</sup> Assistant United States Attorney Todd Swensen represented the United States.

Defendant was advised of and acknowledged Defendant's rights.

The Court entered pleas of not guilty on Defendant's behalf.

---

<sup>1</sup> Shortly prior to the hearing, the Federal Defenders of Eastern Washington and Idaho discovered a conflict of interest with regard to representing Defendant. In light of this, Mr. Shelton stood in for this hearing, and the Court shall appoint CJA counsel in due course.

1 The United States did not seek detention.

2 Accordingly, **IT IS ORDERED:**

3 1. The Court directs the parties to review the Local Criminal Rules  
4 governing discovery and other issues in this case. [http://www.waed.uscourts.gov/  
5 court-info/local-rules-and-orders/general-orders](http://www.waed.uscourts.gov/court-info/local-rules-and-orders/general-orders).

6 2. Under federal law, including Rule 5(f) of the Federal Rules of  
7 Criminal Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), and all applicable  
8 decisions from the Supreme Court and the Ninth Circuit interpreting *Brady*, the  
9 United States has a continuing obligation to produce all information or evidence  
10 known to the United States relating to guilt or punishment that might reasonably be  
11 considered favorable to Defendant's case, even if the evidence is not admissible so  
12 long as it is reasonably likely to lead to admissible evidence. *See United States v.*  
13 *Price*, 566 F.3d 900, 913 n.14 (9th Cir. 2009). Accordingly, the Court orders the  
14 United States to produce to Defendant in a timely manner all such information or  
15 evidence.

16 Information or evidence may be favorable to a defendant's case if it either  
17 may help bolster the defendant's case or impeach a prosecutor's witness or other  
18 government evidence. If doubt exists, it should be resolved in favor of Defendant  
19 with full disclosure being made.  
20

1 If the United States believes that a required disclosure would compromise  
2 witness safety, victim rights, national security, a sensitive law-enforcement  
3 technique, or any other substantial government interest, the United States may  
4 apply to the Court for a modification of the requirements of this Disclosure Order,  
5 which may include *in camera* review and/or withholding or subjecting to a  
6 protective order all or part of the information.

7 This Disclosure Order is entered under Rule 5(f) and does not relieve any  
8 party in this matter of any other discovery obligation. The consequences for  
9 violating either this Disclosure Order or the United States' obligations under *Brady*  
10 include, but are not limited to, the following: contempt, sanction, referral to a  
11 disciplinary authority, adverse jury instruction, exclusion of evidence, and  
12 dismissal of charges. Nothing in this Disclosure Order enlarges or diminishes the  
13 United States' obligation to disclose information and evidence to a defendant under  
14 *Brady*, as interpreted and applied under Supreme Court and Ninth Circuit  
15 precedent. As the Supreme Court noted, "the government violates the  
16 Constitution's Due Process Clause 'if it withholds evidence that is favorable to the  
17 defense and material to the defendant's guilt or punishment.'" *Turner v. United*  
18 *States*, 137 S. Ct. 1885, 1888 (2017) (quoting *Smith v. Cain*, 565 U.S. 73, 75  
19 (2012)).  
20

1           3.     Defendant is bound over to Judge Mary K. Dimke for further  
2 proceedings.

3           4.     The United States Probation/Pretrial Services Office shall prepare a  
4 pretrial services report and shall notify defense counsel prior to interviewing  
5 Defendant. If Defendant does not wish to be interviewed, that Office shall prepare  
6 said report using any information it deems relevant to the issue of detention.

7           5.     Defendant shall abide by the following conditions at all times:

8                   **STANDARD CONDITIONS OF RELEASE**

9           1.     Defendant shall not commit any offense in violation of federal, tribal,  
10 state, or local law. Defendant shall advise the supervising United States  
11 Probation/Pretrial Services Officer and defense counsel within one business day of  
12 any charge, arrest, or contact with law enforcement. Defendant shall not work for  
13 the United States government or any federal or state law enforcement agency  
14 unless Defendant receives the approval of the district court judge with original  
15 jurisdiction over this matter and notifies the supervising United States  
16 Probation/Pretrial Services Officer in the captioned matter.

17           2.     Defendant shall immediately advise the Court and the United States  
18 Attorney in writing before any change in address.

19           3.     Defendant shall appear at all proceedings and surrender as directed for  
20 service of any sentence imposed.

1           4.     Defendant shall sign and complete form A.O. 199C before being  
2 released.

3           5.     Defendant shall not possess a firearm, destructive device, or any  
4 dangerous weapons.

5           6.     Defendant shall report to the United States Probation/Pretrial Services  
6 Office before or immediately after release and shall report as often as they direct,  
7 at such times and in such manner as they direct.

8           7.     Defendant shall contact defense counsel at least once a week.

9           8.     Defendant shall refrain from use or unlawful possession of a narcotic  
10 drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed  
11 by a licensed medical practitioner in conformance with Federal law. Defendant  
12 may not use or possess marijuana, regardless of whether Defendant has been  
13 authorized medical marijuana under state law.

14          9.     Defendant shall surrender any passport to United States  
15 Probation/Pretrial Services and shall not apply for a new passport.

16          10.    Defendant is further advised it is unlawful for any person who is  
17 under indictment for a crime punishable by imprisonment for a term exceeding one  
18 year, to receive, ship or transport in interstate or foreign commerce any firearm or  
19 ammunition or receive any firearm or ammunition which has been shipped or  
20 transported in interstate or foreign commerce.

**SPECIAL CONDITIONS OF RELEASE**

1. Defendant shall remain in the Eastern District of Washington for court proceedings unless given permission by the United States Probation/Pretrial Services Office.

2. Defendant shall notify the United States Probation/Pretrial Services Office within 24 hours of any change in address, telephone number, or employment.

3. Defendant shall avoid all contact, direct or indirect, with any codefendants or persons who Defendant would reasonably know are or may become a victim or potential witness in the subject investigation or prosecution.

4. Defendant shall maintain employment, or, if unemployed, actively seek employment and/or maintain or commence an educational program.

**IT IS SO ORDERED.**

DATED July 21, 2023.



A handwritten signature in blue ink that reads "Alexander C. Ekstrom".

---

ALEXANDER C. EKSTROM  
UNITED STATES MAGISTRATE JUDGE